

1 HONORABLE RONALD B. LEIGHTON
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA
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14 ALASKA AIRLINES, INC.,
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16 Plaintiff,
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18 v.
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20 BRADLEY CAREY and CELESTE CAREY,
21 and CAREY TRAVEL, INC., a Washington
22 corporation,
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24 Defendants,
25 Counterclaimants, and Third
26 Party Plaintiffs,
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28 v.
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30 POINTS INTERNATIONAL LTD.,
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32 Third Party Defendant.
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34 Case No. C07-5711RBL
35

36 INTERIM ORDER
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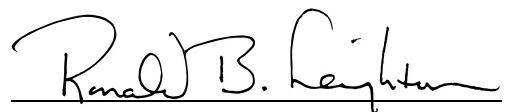
38 THIS MATTER is before the Court on Plaintiff's Motion for Costs and Attorneys' Fees [Dkt. #232].
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40 The Court has reviewed the materials submitted for and against said motion. Oral argument is not required,
41 at least at this stage of the proceeding. Based upon the Court's knowledge of the history of this litigation it
42 is clear to the Court that plaintiff, Alaska Airlines, Inc., has prevailed on its Consumer Protection Act claims
43 and is entitled to costs and reasonable attorneys' fees pursuant to RCW 19.86.090. The Court is equally
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1 convinced, however, that the defendants' counterclaims and defenses were not so lacking in merit as to trigger
2 an additional ground for an attorney fee award (frivolous claims) under RCW 4.84.185. The Court cannot
3 say that the defendants' antitrust claims could not be supported by any rational argument. See *Bill of Rights*
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Legal Foundation v. Evergreen State College, 44 Wash. App. 690, 696-97 (1986).

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6 In order that the Court may determine a reasonable fee award and, where appropriate, segregate fees
7 subject to fee shifting from those that are not, plaintiff will submit to the Court the specific billing information
8 and related supporting materials pertaining to reasonableness no later than January 15, 2010. Defendant can
9 respond by January 22, 2010. Plaintiffs can file a reply by January 26, 2010. The Court will then follow up
10 this Interim Order with a more detailed award of costs and attorney fees.

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12 Dated this 28th day of December, 2009.

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17 RONALD B. LEIGHTON
18 UNITED STATES DISTRICT JUDGE